

Applicants respectfully traverse the restriction requirement, and provisionally elect the claims of Group I (claims 1 and 2) for further prosecution.

Applicants submit that the complete examination of the application would be most expeditiously handled by treating all of the pending claims as a single entity. As Section 803 of the MPEP states, “[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.” It is respectfully submitted that the Examiner has not shown that a search and examination of the entire application would cause a serious burden. No serious burden is created when a simultaneous computerized search for the nucleic acids of Group I and the enzymes of Group II is run, for example. A single search may be run, for example, in conjunction with databases such as those available at <http://www.ncbi.nlm.nih>. Rather, a serious burden would arise if the application were restricted.

Based on the foregoing, Applicants submit that the restriction requirement is improper and therefore must be withdrawn. To facilitate prosecution, however, Applicants have provisionally elected, with traverse, Group I (claims 1 and 2) drawn to a nucleic acid molecule that encodes a maize or soybean tetrapyrrole pathway enzyme.

The Office Action further requires that, in the event that Group I is elected, no more than 10 specific sequences may be specified for examination. In view of Applicants' provisional election of Group I, and in the event that the restriction requirement is made final, it is hereby requested that the following 10 sequences be examined in this application:

SEQ ID NO: 586;

SEQ ID NO: 590;

SEQ ID NO: 594;

SEQ ID NO: 596;

SEQ ID NO: 597;

SEQ ID NO: 599;

SEQ ID NO: 600;

SEQ ID NO: 601;

SEQ ID NO: 604; and

SEQ ID NO: 605.

However, the election of the above sequences is made with traverse. The Examiner's restriction to 10 sequences is improper. Examination of more than 10 sequences for the nucleic acid molecules of claims 1 and 2, all of which encode maize or soybean tetrapyrrole pathway enzymes would not present an undue burden due to interrelationship between the disclosed sequences.

Should the Examiner have any questions regarding this application, the Examiner is encouraged to contact Applicant's undersigned representative at (202) 383-7093.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. R. Marsh".

David R. Marsh (Reg. No. 41,408)

June E. Cohan (Reg. No. 43,471)

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HOWREY SIMON ARNOLD & WHITE, LLP

Box No. 34

1299 Pennsylvania Avenue, N.W.

Washington, D.C. 20004-2402

(202) 783-0800